

1 Department of Real Estate
2 320 W. 4TH Street, Suite 350
3 Los Angeles, CA 90013-1105
4
5 Telephone: (213) 576-6982
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FILED

MAY 1 2013

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13 UNION REAL ESTATE INC and)
14 FRANCISCO LICEA JR, individually,)
15 and as former designated officer)
16 of Union Real Estate Inc,)
17 Respondents.)

DRE No: H-38682 LA

STIPULATION
AND
AGREEMENT

18 It is hereby stipulated by and between FRANCISCO LICEA
19 JR, and the Complainant, acting by and through James A. Demus,
20 Counsel for the Department of Real Estate, as follows for the
21 purpose of settling and disposing of the Accusation filed on
22 February 1, 2013, in this matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act ("APA"), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. Respondent timely filed a Notice of Defense
8 pursuant to Section 11506 of the Government Code for the purpose
9 of requesting a hearing on the allegations in the Accusation.
10 Respondent hereby freely and voluntarily withdraws said Notice of
11 Defense. Respondent acknowledges that he understands that by
12 withdrawing said Notice of Defense he thereby waives the right to
13 require the Commissioner to prove the allegations in the
14 Accusation at a contested hearing held in accordance with the
15 provisions of the APA and that he will waive other rights
16 afforded to him in connection with the hearing such as the right
17 to present evidence in his defense of the allegations in the
18 Accusation and the right to cross-examine witnesses.

19 4. This Stipulation is based on the factual
20 allegations contained in the Accusation. In the interest of
21 expedience and economy, Respondent chooses not to contest these
22 allegations, but to remain silent and understands that, as a
23 result thereof, these factual allegations, without being admitted
24 or denied, will serve as a prima facie basis for the disciplinary
25 action stipulated to herein. The Real Estate Commissioner shall
26 not be required to provide further evidence to prove said factual
27 allegations.

1 5. This Stipulation is made for the purpose of
2 reaching an agreed disposition of this proceeding and is
3 expressly limited to this proceeding and any other proceeding or
4 case in which the Department of Real Estate ("Department"), the
5 state or federal government, or any agency of this state, another
6 state or federal government is a party.

7 6. It is understood by the parties that the Real
8 Estate Commissioner may adopt this Stipulation as his Decision in
9 this matter thereby imposing the penalty and sanctions on
10 Respondent's real estate license and license rights as set forth
11 in the "Order" herein below. In the event that the Commissioner
12 in his discretion does not adopt the Stipulation, it shall be
13 void and of no effect and Respondents shall retain the right to a
14 hearing and proceeding on the Accusation under the provisions of
15 the APA and shall not be bound by any stipulation or waiver made
16 herein.

17 7. The Order or any subsequent Order of the Real
18 Estate Commissioner made pursuant to this Stipulation shall not
19 constitute an estoppel, merger or bar to any further
20 administrative or civil proceedings by the Department of Real
21 Estate with respect to any matters which were not specifically
22 alleged to be causes for Accusation in this proceeding but do
23 constitute a bar, estoppel and merger as to any allegations
24 actually contained in the Accusation against Respondents herein.

25 DETERMINATION OF ISSUES

26 By reason of the foregoing, it is stipulated and agreed
27 that the following determination of issues shall be made:

1 I.

2 The conduct of FRANCISCO LICEA JR as described in
3 Paragraph 4, hereinabove, provides a basis for discipline of his
4 license and license rights pursuant to Business and Professions
5 Code ("Code") Sections 10176(g), 10176(f), 10177(d), 10177(g) and
6 10177(h).

7 ORDER

8 WHEREFORE, THE FOLLOWING ORDER is hereby made:

9 I.

10 All licenses and licensing rights of Respondent
11 FRANCISCO LICEA JR under the Real Estate Law are suspended for a
12 period of ninety (90) days from the effective date of this
13 Decision; provided, however, that sixty (60) days of said
14 suspension, shall be stayed for two (2) years upon the following
15 terms and conditions:

16 A.

17 1. Respondent shall obey all laws, rules and
18 regulations governing the rights, duties and responsibilities of
19 a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made,
21 after hearing or upon stipulation that cause for disciplinary
22 action occurred within two (2) years of the effective date of
23 this Decision. Should such a determination be made, the
24 Commissioner may, in his discretion, vacate and set aside the
25 stay order and reimpose all or a portion of the stayed
26 suspension. Should no such determination be made, the stay
27 imposed herein shall become permanent.

1 B.

2 If Respondent petitions, an additional thirty (30) days
3 shall be stayed upon condition that:

4 1. Respondent pays a monetary penalty pursuant to
5 Section 10175.2 of the Code at the rate of \$25 for each day of
6 the suspension for a total monetary penalty of \$750.

7 2. Said payment shall be in the form of a cashier's
8 check or certified check made payable to the Recovery Account of
9 the Real Estate Fund. Said check must be received by the
10 Department prior to the effective date of the Decision in this
11 matter.

12 3. No further cause for disciplinary action against
13 the real estate license of Respondent occurs within two years
14 from the effective date of the Decision in this matter.

15 4. If Respondent fails to pay the monetary penalty in
16 accordance with the terms and conditions of the Decision, the
17 Commissioner may, without a hearing, order the immediate
18 execution of all or any part of the stayed suspension in which
19 event the Respondent shall not be entitled to any repayment nor
20 credit, prorated or otherwise, for money paid to the Department
21 under the terms of this Decision.

22 5. If Respondent pays the monetary penalty and if no
23 further cause for disciplinary action against the real estate
24 license of Respondent occurs within two years from the effective
25 date of the Decision, the stay hereby granted shall become
26 permanent.

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II.

Respondent FRANCISCO LICEA JR shall within six (6)

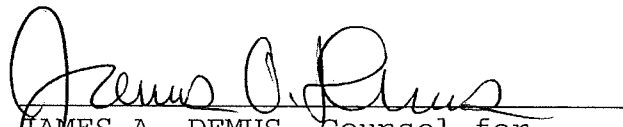
months from the effective date of the Decision herein, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If Respondent FRANCISCO LICEA JR fails to satisfy this condition, the Commissioner may order suspension of Respondent FRANCISCO LICEA JR's license until Respondent passes the examination.

III.

All proof of payment and completed coursework shall be

submitted to Department Counsel James A. Demus, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105, on or before the dates set forth above.

DATED: 3/27/13


JAMES A. DEMUS, Counsel for
the Department of Real Estate

EXECUTION OF THE STIPULATION

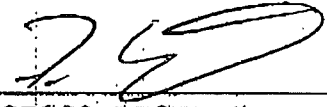
I have read the Stipulation. Its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506,

1 11508, 11509 and 11513 of the Government Code), and I willingly,
2 intelligently and voluntarily waive those rights, including the
3 right of requiring the Commissioner to prove the allegations in
4 the Accusation at a hearing at which I would have the right to
5 cross-examine witnesses against me and to present evidence in
6 defense and mitigation of the charges.

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation by faxing a copy of its
9 signature page, as actually signed by Respondent, to the
10 Department at the following telephone/fax number: James A. Demus
11 at (213) 576-6917. Respondent agrees, acknowledges and
12 understands that by electronically sending to the Department a
13 fax copy of Respondent's actual signature, as it appears on the
14 Stipulation, that receipt of the faxed copy by the Department
15 shall be as binding on Respondent as if the Department had
16 received the original signed Stipulation.

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DATED: 3/25/13


FRANCISCO LICEA JR

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The foregoing Stipulation and Agreement is hereby
adopted as my Decision as to Respondent FRANCISCO LICEA JR and
shall become effective at 12 o'clock noon on

MAY 21 2013

IT IS SO ORDERED

4/15/2013

REAL ESTATE COMMISSIONER



WAYNE S. BELL